IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.451 OF 2004

IN

SUIT NO.475 OF 2004

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Mr.Jugalkishore K. Gupta
@ Lalji K. Gupta ...Plaintiff

v/s.

Mr.Muzaffar & ors. ...Defendants

...

Mr.S.P. Srivastav for the Plaintiff.

Mr.K.Gaikwad for Defendant No.3.

...

CORAM: D.K.DESHMUKH, J.

DATED: 10TH DECEMBER,2004

P.C.:

1. This suit is filed under Section 6 of the

Specific Relief Act. The Plaintiff claims to be in possession of the property on the basis of the agreement at Exh.D, which is the agreement for conducting the business. Therefore, the possession of the Plaintiff cannot be exclusive. According to the Plaintiff, on the death of the person who had given the business for conducting, his possession will become exclusive. According to him, in any case, the Defendants Nos. 1 & 2 have no title to dispossess him.

2. As the disputes of title are raised in this suit as also because there are prayers made for a decree of permanent injunction, even the Bombay Municipal Corporation has been joined as a party, who has no role to play in the matter of restoration of possession, the suit itself may not be maintainable under Section 6 of the Specific Relief Act. As the suit itself does not appear to be maintainable under Section 6 of the Specific Relief Act, the Plaintiff is not entitled to any relief in this Notice of Motion. Notice of Motion disposed of. Ad-interim order granted earlier is vacated.

3. Request for extension of ad-interim order is

rejected.

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